

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory J. Sesselmann

For: SYSTEM AND METHOD FOR ODOR ABSORPTION

Serial No.: 90/007,331

Examiner: J. Jastrzab

Filed: 11/30/2004

Group Art Unit: 3765

DECLARATION OF JIM HILL

I, Jim Hill, declare that:

1. I have extensive experience both in hunting wildlife and in the sales, manufacturing and marketing of scent control products used in the hunting industry. Specifically, I have more than 44 years of experience in hunting wildlife, such as deer, elk, and bear and have been employed in the hunting products industry for over twelve years.
2. I am currently retained as a Professional Staff Hunter by various manufacturers of hunting products and have been engaged in this capacity by at least ten different manufacturers of hunting products.
3. The sense of smell by animals, such as white tail deer and elk, is dramatically more sensitive than the sense of smell of humans. Therefore, during my 44 years of hunting experience, I have invented and employed a wide variety of practices and procedures in an attempt to either contain or conceal my human odor while hunting wildlife. For example, I previously wore a silicone swim cap on my head to cover my hair which is a significant source of odor naturally emanating from the human body. For over thirty years I have worn rubber boots while hunting to once again attempt to encapsulate and contain the odor naturally emanating from my feet. I was an avid, prior user of baking soda while hunting in an attempt to absorb the odors emanating from my body or otherwise associated with my body, clothing or

other hunting gear. I have experimented extensively with a wide range of products and techniques in order to reduce the odor associated with my body so that wildlife such as deer would not be alarmed upon encountering these odors.

4. The vast majority of my hunting experience is in bow hunting and in order to effectively hunt wildlife using a bow, the hunter ought to be in "close proximity" to the wildlife. The term "close proximity" is used and accepted by hunters and by writers about hunting, and it refers to a distance that will vary with conditions and equipment; for example, factors affecting that distance include the skill of the hunter, the type and quality of the weapon (such as compound, recurve, or longbow), the temperament of the quarry (some animals are more high strung than others, influenced perhaps by their lifetime experiences and the predator environment where they live), and atmospheric conditions such as temperature, relative humidity, air pressure, and wind speed and direction. For some bow hunters, a similar term is effective bow range.

5. I also have appreciable hunting experience in gun hunting of wildlife and in order to effectively hunt wildlife using a gun, the hunter also needs to be in "close proximity" to the wildlife. The term "close proximity" is also used and accepted by gun hunters and by writers about hunting, and once again this term refers to a distance that will vary with conditions and equipment; for example, factors affecting that distance include the skill of the hunter, the type and quality of the weapon (such as muzzle loading gun, rifle or shotgun), the temperament of the quarry (some animals are more high strung than others, influenced perhaps by their lifetime experiences and the predator environment where they live), and atmospheric conditions such as temperature, relative humidity, air pressure, and wind speed and direction. For some gun hunters, a similar term is effective gun range.

6. I have been provided with copies of and have reviewed the following documents:

- US Pat. No. 5539930 to Sesselmann
- US Pat. No. 3922723 to Popper
- pages 25 through 30 from the 1990 *Outdoor Life Deer Hunter's Yearbook*
- pages 20 - 22, 86 - 88 and 95 - 97 of *Whitetail Hunting* by Jim Dawson

7. I have reviewed the specific excerpts of *Whitetail Hunting* and 1990 *Outdoor Life Deer Hunter's Yearbook* referenced above. I believe that these two documents reflect a fair representation of the state of the art with respect to odor adsorption products and practices in the hunting market as of their publication dates, namely 1982 and 1990 respectively. These documents show that in both 1982 and 1990 the industry was still relying upon temporary, non-permanent odor adsorbing agents such as baking soda which were not capable of reactivation or regeneration.

8. I have reviewed US Pat. No. 3922723 to Popper and in particular the discussion regarding "sportsmen" found at Col. 8, line 13-14. When reviewing this discussion of sportsmen in the context of the Popper patent, it is clear to me that this reference to "sportsmen" in Popper is not referring to hunters or wildlife photographers. In the text surrounding this reference, Popper is specifically discussing sweatbands used as an "accessory" by sportsmen. As a person skilled in the art of hunting, odor adsorption products and methods of using these products while hunting, I interpret (and I believe that a person of ordinary skill in the art would interpret) this language in Popper to mean a person involved in a physically active athletic sport such as tennis in which it would be important to collect dripping sweat from the forehead or wrists. As used by Popper, "sportsmen" are in the same category as "chefs and others exposed to profuse perspiration on the wrist, arm, head, etc." (column 8, lines 14-15). Hunting does not usually cause "profuse perspiration"; hunting is not usually a highly strenuous activity which

would require, or even benefit from an "accouterment" such as an odor absorbing "sweatband" as discussed in Popper. Based on my decades of experience with hunters, sweatbands are not something "typically used" by hunters. Based upon my understanding of the Popper patent, I don't believe that Popper ever envisioned use of his odor absorbing garments or accessories in a hunting application.

9. I have not received any compensation for providing this Declaration, I have no direct interest in the outcome of this matter, no financial interest, or ownership interest in ALS Enterprises, Inc., Gregory Sesselmann or the family of patents or patent applications to which US Patent Application Serial No. 90/007,331 is linked.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3/22/07



Jim Hill